

REMARKS

Claims 1-4, 6-30, and 53-55 are pending. Claims 1, 17, 29, 30, 53, 54, and 55 are independent claims. No claims are amended. In the Office Action, claims 1, 2, 4, 6-9, 11-17, 20-25, and 27-30 were rejected under 35 USC § 103(a) as allegedly unpatentable over United States Patent No. 6,122,361 ("Gupta") in view of United States Patent No. 6,122,614 ("Kahn") and further in view of United States Patent No. 6,754,326 ("Cox"). Claims 3, 10, 18, 19, and 26 were rejected under Section 103 as allegedly unpatentable over Gupta in view of United States Patent No. 5,799,065 ("Junqua") and further in view of Kahn and Cox. Claims 53 and 55 were rejected under Section 103 as allegedly unpatentable over United States Patent No. 5,987,414 ("Sabourin") in view of Cox. Claim 54 was rejected under Section 103 as allegedly unpatentable over Sabourin in view of Cox and further in view of United States Patent No. 4,959,855 ("Daudelin").

Applicants incorporate by reference herein arguments made in their paper dated June 4, 2007 rebutting the alleged applicability of Gupta, Kahn, and Sabourin to their claims. In addition, as set forth in more detail below, even with the addition of Cox, the prior art of record still fails to teach or suggest every limitation of Applicants' claims. Therefore, the Examiner is respectfully requested to withdraw the present rejections of Applicants' claims, and to pass those claims to issue.

Further, Applicants reserve the right to set forth additional arguments supporting the patentability of their claims, including the separate patentability of dependent claims not explicitly addressed herein, in future papers, including an Appeal Brief. In addition, Applicants do not necessarily acquiesce to any characterization by the Examiner of their claims or the prior art, even if such characterization is not explicitly addressed herein. Moreover, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Argument

A. Claims 1 and 17

The Examiner rejected independent claim 1 under the allegedly-combinable Gupta, Kahn, and Cox. (Office Action, page 2.) Claim 1 recites in part a “database storing words previously included in requests for telephone numbers,” where a listing retrieved from the database is “rejected unless the transcript contains at least one of the stored words.” The Examiner did not explicitly address these claim recitations in the Office Action, and therefore the present rejection should be withdrawn at least because the Examiner has failed to state a *prima facie* Section 103 rejection addressing each and every element of Applicants’ claims. For example, the Examiner’s recitation of “using the stored information to make further judgments on the listing,” is irrelevant to Applicants’ claims because Applicants’ claims do not recite “using the stored information to make further judgments on the listing.” (See Office Action, page 3.) Further, the Examiner appears to have conceded that these claim recitations were neither taught or suggested by Gupta or Kahn, and cited Cox as allegedly compensating for the acknowledged deficiencies of Gupta and Kahn. (Office Action, page 3.) However, Cox fails to teach or suggest the foregoing recitations of claim 1.

Cox teaches maintaining “call data stored on a host computer” that

includes one or more of: the calling telephone number, the date and time of the caller’s connection to a directory’s assistant system 100, the T1 span in channel the caller is connected to, the caller’s desired destination telephone number, the status of the caller’s previous directory assistance request, which operator assisted the caller, etc.

(Cox, column 7: 49-59.) Nowhere does Cox teach or suggest that the disclosed “host computer” stores “words previously included in requests for telephone numbers.” At most, Cox discloses that call data includes items such as “the caller’s desired destination telephone number” and “the status of the caller’s previous directory assistance request,” neither of which include “words previously included in requests for telephone numbers.” For at least this reason, Cox does not compensate for the acknowledged deficiencies of the other cited prior art, and the rejection of claim 1 should be withdrawn.

In addition, Cox does not teach or suggest “the listing being rejected unless the transcript contains at least one of the stored words,” as is further recited in claim 1. At most, Cox discloses

that “[b]y considering the collected call data, such as the information that was provided to a caller in a previous request, a directory assistance provider can tailor subsequent assistance to be more effective.” (Cox, column 7: 64-67.) As explained above, Cox’s “collected call data,” and in particular “information that was provided to a caller in a previous request,” plainly does not include “stored words” or “words previously included in requests for telephone numbers.” Further, Cox does not teach or suggest any conditions for a listing being rejected, much less a requirement that “the transcript contains at least one of the stored words,” as is recited in claim 1. In fact, Cox teaches considering “the information that was provided to a caller in a previous request,” and therefore teaches away from considering information received from a caller, including “words previously included in requests for telephone numbers.”

Moreover, Cox teaches away from using call data to obtain listings in response to callers’ requests. Cox states that:

data servers 120a maintain databases containing telephone and business directories, billing information, and other information in computer-readable form to be searched by operators in response to callers’ requests. As introduced above, data servers 120a also store called data for later retrieval by directory assistance providers furnishing subsequent assistance to a caller.

(Cox, column 8: 18-31.) In other words, Cox does not use the disclosed call data to respond to callers’ requests for listings, but rather uses call data to provide information to callers subsequent to requests for listings. The fact that Cox’s call data is saved on the data servers only for a predetermined period of time, (Cox, column 8: 34-35), further illustrates that Cox does not in any way teach or suggest using such call data for requests for listings. Thus, even if Cox’s call data included “stored words” from “requests for telephone numbers,” which it does not, Cox would still fail to teach or suggest “the listing being rejected unless the transcript contains at least one of the stored words,” as recited in claim 1.

Independent claim 1 and the claims depending therefrom are patentable at least for any of the reasons set forth above. Moreover, independent claim 17 includes recitations similar to the foregoing recitations of claim 1. Therefore, claim 17 and the claims depending therefrom are similarly patentable.

B. Claims 29 and 30

The Examiner rejected each of independent claims 29 and 30 under the allegedly-combinable Gupta, Kahn, and Cox. (Office Action, page 2.) Each of claims 29 and 30 recites “the database storing words previously included in requests for telephone numbers, the query including matching the transcript to the stored words.” The Examiner did not explicitly address these claim recitations in the Office Action, and therefore the present rejection should be withdrawn at least because the Examiner has failed to state a *prima facie* Section 103 rejection addressing each and every element of Applicants’ claims. For example, as noted above, the Examiner’s recitation of “using the stored information to make further judgments on the listing,” is irrelevant to Applicants’ claims because Applicants’ claims do not recite “using the stored information to make further judgments on the listing.” (See Office Action, page 3.)

Further, as discussed above, Cox does not compensate for the acknowledged deficiencies of Gupta and Kahn with respect to the recitation of “the database storing words previously included in requests for telephone numbers.” Moreover, Cox does not teach or suggest “the query matching the transcript to the stored words.” As noted above, Cox discloses at most that “[b]y considering the collected call data, such as the information that was provided to a caller in a previous request, a directory assistance provider can tailor subsequent assistance to be more effective.” (Cox, column 7: 64-67.) Not only is “collected call data” not “the stored words” recited in the claims 29 and 30, but Cox includes no teaching or suggestion of matching a transcript generated from a request to collected call data. Therefore, Cox cannot include any teaching or suggestion of “the query matching the transcript to the stored words.”

For at least any of the foregoing reasons, claims 29 and 30 are patentable.

C. Claims 53 and 55

The Examiner rejected each of independent claims 53 and 55 under the allegedly-combinable Sabourin and Cox. (Office Action, page 8.) Each of claims 53 and 55 recites in part “the listings database storing words previously included in requests for telephone numbers, the query including matching the transcript to the stored words.” The Examiner did not explicitly address these claim recitations in the Office Action, and therefore the present rejection should be withdrawn at least because the Examiner has failed to state a *prima facie* Section 103 rejection

addressing each and every element of Applicants' claims. For example, the Examiner's recitation of "using the stored information to make further judgments on the listing," is irrelevant to Applicants' claims because Applicants' claims do not recite "using the stored information to make further judgments on the listing." (See Office Action, page 9.)

Further, the Examiner appears to have acknowledged that Sabourin does not teach the foregoing recitation, and cited Cox as allegedly compensating for the acknowledged deficiencies of Sabourin. (Office Action, page 9.) However, as discussed above, Cox does not teach or suggest "storing words previously included in requests for telephone numbers." Moreover, as also discussed above, Cox fails to teach or suggest "the query including matching the transcript to the stored words." Therefore, claims 50 and 53 are patentable for at least any of the foregoing reasons.

D. Claim 54

The Examiner rejected independent claim 54 under the allegedly-combinable Sabourin, Cox, and Daudelin. (Office Action, page 9.) Claim 54 recites in part "using statistical information retrieval and the transcript to identify a listing corresponding to the recognized word, the statistical information retrieval matching the transcript to words previously included in requests for telephone numbers." The Examiner did not explicitly address these claim recitations in the Office Action, and therefore the present rejection should be withdrawn at least because the Examiner has failed to state a *prima facie* Section 103 rejection addressing each and every element of Applicants' claims. For example, the Examiner's recitation of "using the stored information to make further judgments on the listing," is irrelevant to Applicants' claims because Applicants' claims do not recite "using the stored information to make further judgments on the listing." (See Office Action, page 10.)

Further, the Examiner appears to have acknowledged that neither Sabourin nor Daudelin discloses the foregoing claim recitation, and cited Cox as allegedly compensating for the acknowledged deficiencies of the other prior art. (Office Action, page 10.) However, Cox does not appear to include any teaching or suggestion of "statistical information retrieval." Further, as noted above, Cox does not include any teaching or suggestion of "matching the transcript to

words previously included in requests for telephone numbers.” For at least any of the foregoing reasons, claim 54 is patentable.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under Order No. 65632-0231. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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